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OFFICE OF PETITIONS

Patent No. 7,165,034 : LETTER REGARDING
Issue Date: January 16, 2007 : PATENT TERM ADJUSTMENT
Application No. 10/653,210 : AND
Filed: September 3, 2003 : NOTICE OF INTENT TO ISSUE
Atty Docket No. 00862.022558 : CERTIFICATE OF CORRECTION

This letter is in response to the "COMMENTS ON DETERMINATION OF PATENT TERM ADJUSTMENT" filed March 13, 2007. Pursuant to patentees' duty of good faith and candor to the Office, patentees request review of the Patent Term Adjustment for the above-identified patent.

The request for review of the patent term adjustment indicated in the patent is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **SEVENTY-NINE (79)** days.

On January 16, 2007, this application matured into U.S. Patent No. 7,165,034, with a revised patent term adjustment of 106 days. Patentees give no basis for their assertion that this patent term adjustment is incorrect.

Nonetheless, a review of the application history confirms that an additional period of reduction should have been entered. Pursuant to § 1.704(c)(10), a period of reduction of 27 days should have been entered. After the mailing of the Notice on May 11, 2006, on June 16, 2006, applicants filed a Request for Continued Examination (RCE) and an Information Disclosure Statement (IDS). The IDS was not expressly requested by the


examiner. The IDS did not include a § 1.704(d) statement. On July 12, 2006, the Office took action mailing a Notice of Allowance. Accordingly, pursuant to 1.704(c)(10), a reduction of 27 days for the period beginning on June 16, 2006 and ending on July 12, 2006 should have been entered.

In view thereof, the patent should have issued with a revised patent term adjustment of seventy-nine (79) days.

As this letter was submitted as an advisement to the Office of an error in Patentees' favor, the Office will not assess the \$200.00 application fee under 37 CFR 1.705(b). The Office thanks patentees for their good faith and candor in bringing this to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **SEVENTY-NINE (79)** days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,165,034 B2
DATED : January 16, 2007
INVENTOR(S) : Sakai et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (106) days

Delete the phrase "by 106" and insert – by 79 days--